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- C. Daily compensation, plus cost reimbursement, to work "when requested" during the term of the agreement/contract for daily rate plus cost reimbursement, with a ceiling on the total cost. This type of agreement/contract should be avoided if a given result can be contracted for.
- D. Net rate agreements/contracts where compensation is based on an agreed rate per unit of service rendered.
- E. Progress Payments

If it is essential that progress payments be made, they shall be made not more frequently than monthly in arrears or at clearly identifiable stages of progress, based on written progress reports submitted with the contractor's invoices on a format required by the County.

GENERAL RULES ASSOCIATED WITH AGREEMENTS/CONTRACTS

1. Submission of Agreement/Contract

Whenever an agreement/contract is required, approval shall be obtained prior to commencement of services or the purchase of any item. The submission of an agreement/contract for approval after the date performance has begun or after the date the service has been completed is prohibited. Contracts must be signed by both parties prior to delivery of goods or services.

2. Special Procedures for Federal Grants

For any grant or contract involving Federal funds, Amador County shall review the Federal Excluded Parties List System (EPLS) to ensure compliance with the Federal procurement program policies and requirements prior to entering into any agreement or contract, or purchasing equipment utilizing Federal grant funding. Prior to authorizing a requisition for equipment purchases utilizing Federal grant funds, the Federal debarment listing must be reviewed to ensure vendor(s) are not listed. The debarment listing is available online at <http://www.epls.gov/eplsearch.do> Documentation of search must be maintained to ensure the intended vendor is not listed and for verification.

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3. County Compliance with Federal and State Requirements for Grant Projects

For any agreement or contract involving Federal funds or grants or any project subject to Federal law, the County of Amador shall, as applicable:

- > Comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed requirements for merit systems for programs funded under one of 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System Personnel Administration (5C.F.R. 900, Subpart F).
- > Comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub agreements, and the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328).
- > Comply with the Federal Fair Labor Standards Act (29 U.S.C. §201) regarding wages and hours of employment.
- > Refrain from using grant funds to promote or deter Union/labor organizing activities.
- > Comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the

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Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) The Age Discrimination Act of 1975 as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to the confidentiality of alcohol and drug abuse patient records; (h) Title VII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; (j) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (k) (P.L. 93-348) regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

- > Comply or demonstrate prior compliance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

- > Comply with environmental standards that may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of

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wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.) ; (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176 (c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93 523); (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93205); and (i) Flood Disaster Protection Act of 1973 §102 (a) 9P.L. 93-234).

- > Comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- > Comply with the Lead Based Paint and Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- > Comply with the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) which restores and maintains the chemical, physical and biological integrity of the Nation's waters.
- > Ensure that any facilities under its ownership, lease or supervision that are utilized in the accomplishment of any Federal grant project are not listed on the Environmental Protection Agency's (EPA) list of violating facilities, and notify the Federal grantor agency of the receipt of any communication from the Director of the

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EPA Office of Federal Activities indicating that a facility to be used in such project is under consideration for listing by the EPA.

- > Ensure that the project is in compliance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq.
- > Comply with the Energy Policy and Conservation Act (P.L. 94-163, 89 Stat 871).
- > Comply with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 U.S.C. 3501 et seq.), which prohibits the expenditure of most new federal funds within the units of the Coastal Barrier Resources System.
- > Comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- > Comply with the Federal Drug-Free Workplace Act of 1988, (41 U.S.C. §701) Title 28 Code of Federal Regulations (CFR) part 67; the California Drug-Free Workplace Act of 1990, CA Gov't Code §§8350-8357.
- > Comply with Title 28 C.F.R. Volume 67, Number 228, regarding Suspension and Debarment, and submit a Certification Regarding Debarment as required by Executive Order 12549 and any amendment thereto.

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- > Comply with the Laboratory Animal Welfare Act of 1966, as amended (P.L. 89-544, 7 U.S.C. §§ et seq.).

MULTIPLE YEAR AGREEMENTS/CONTRACTS

Agreements/contracts for services should normally not exceed the fiscal year unless appropriate money has been encumbered. Multiple year agreements/contracts must include provisions for early termination and must be contingent on available funding. Unless exempted, as provided for above, no agreement/contract for services shall extend, either by original agreement/contract or by renewals or amendments, for more than a total period of thirty-six (36) months unless competitive bids have been sought or a Request for Proposal (RFP) has been processed.

COMMENCEMENT DATE OF SERVICES

No agreement/contract shall be commenced prior to approval by the Board of Supervisors. No agreement/contract may be back-dated prior to Board approval. Contractors and vendors shall be advised by the responsible Department Head that performance under the agreement/contract may not commence prior to such approval. No payment shall be made prior to this approval. The County is not responsible for any obligations associated with an agreement/contract that has not been formally approved by the board of Supervisors. Procuring agreement/contracts on behalf of the County of Amador without proper authority may result in the individual being held personally responsible for any obligation or liability created by their action.

CHECKLIST FOR APPROVAL OF AGREEMENTS OR CONTRACTS

Copies: A minimum of 3 agreements/contracts with original signatures affixed prior to routing to Board. (Exception: Federal or State contracts most likely will not have signatures prior to being routed to the Board).

NOTE: If the contractor sends only one signed copy of the agreement/contract to the department, make two additional copies before routing to the Board. The

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Chairman will sign all three copies, the Board will retain the original document and return the copies to the department for routing.

Federal

Tax ID:

This is required to be affixed on **ALL** contracts, with the exception of those with the State or Federal contracts.

CLAIMS FOR PAYMENT

In order to process your claims efficiently and expediently it is necessary to follow procedures listed below:

1. All claims must be sent to the Auditor's Office.

RESPONSIBLE DEPARTMENTS/AGENCIES

GENERAL SERVICES ADMINISTRATION – Purchasing Division
ADMINISTRATIVE AGENCY – Risk Management
AUDITOR-CONTROLLER

REFERENCES

BOS Policy Resolution No. 02-370
BOS Ordinance No. 1440

